

"Nepal on the Wrong Path"
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Before the House of Representatives
Human Rights Caucus
May 25, 2005

By almost any objective measure, the situation in Nepal continues to deteriorate. From February 1, 2005 -- when King Gyanendra declared an emergency and seized almost absolute power -- to April 30, death rates from the conflict more than doubled. At least 655 people were killed during this brief span, with state security forces responsible for 530 of these deaths, many apparently innocent civilians, while the 125 people killed by the Maoists included many civilian victims of bombs and landmines. Political parties continue to be excluded from any semblance of normal democratic activity, and the deadly Maoist insurgency appears to be moving forward largely unchecked.

The king has repeatedly justified his moves as warranted by Nepal's ongoing, and often brutal, Maoist insurgency. Yet, the logic of locking up democratic leaders, reporters and human rights activists that have nothing to do with the armed conflict was, and is, difficult to grasp. Why the king would pick a fight with the country's legitimate civil society when the Royal Nepalese Army (RNA) is badly needed in the countryside to combat the insurgency is indefensible. After more than 100 days of royal rule, the king's strategy looks every bit as dubious as it did at the time it was announced in February. The Maoist rebellion has continued largely unabated, and while the government has repeatedly claimed that it is making great progress in the field against the insurgents, these accounts do not appear to be grounded in reality. There is no new military strategy to deal with the insurgency. The RNA remains an ineffective fighting force largely confined to defensive deployment in urban areas and district headquarters, and the army has done nothing to re-establish a government presence across Nepal's countryside.

Life in Nepal's villages is desperate, with the Maoists and the government military seeming to be in virtual competition to see who can conduct the more egregious human-rights abuses. The conflict has taken an even uglier turn with efforts by the royal government to encourage local "militias," sometimes little better than mobs, to destroy the homes of people suspected of being Maoist sympathizers. In late April, the government "lifted" the state of emergency, but this effort was largely rhetorical. At almost the same moment the emergency was supposedly being rescinded, the king had the democratically arrested prime minister arrested

-- yet again -- after he refused to appear before a handpicked royal commission investigating corruption. Significant numbers of political prisoners and some key student leaders remain in jails. The chances of developing a viable political strategy, without which any military operations cannot be effective, have been badly eroded by the king's persistent assaults on moderate political parties and civil society -- the very groups which were most vocally critical of the Maoists.

Some political demonstrations have been allowed to go ahead, including a large seven party effort in Kathmandu. In addition, the Supreme Court has got slightly tougher on enforcing habeas corpus, which has resulted in the release of some student leaders and others. Nepal's Chief Justice, who had appallingly little to say about the grossly unconstitutional acts of February 1, may be responding to understandable pressure from the legal establishment and others to stand up for judicial independence.

But even these small steps forward seem to bring two steps back. The government is currently preparing a very tough new ordinance on press censorship, and journalists still regularly face intimidation by military officers. The king's promise to restore democracy? Well, it turns that rather than restoring parliament, returning the prime minister to office or letting the parties function normally, the international community will have to settle for some hazy promise of municipal elections in April 2006 or later. Equally badly, the king has recently moved to cement his control over the National Human Rights Commission, ensuring that this body will be stocked with his handpicked appointees and extinguish any hopes for this commission to serve as an independent voice.

In contrast, the agreement on monitoring by the UN High Commissioner for Human Rights may help reduce the many civilian victims of the conflict and end the climate of impunity. At least so far, the UN appears to understand how absolutely critical this effort will be to protecting the innocent civilians that continue to bear the brunt of the war, and we encourage all of you to help support this vital effort as it begins its deployment, and to insist that this team rapidly reach full staffing levels.

This brings me to U.S. policy in Nepal. Sadly, the U.S. government has only offered the most tepid of condemnations of the king's ill-advised strategic approach to date, and has supported the king having a veto on virtually any political arrangement. It was quite disturbing to see our ambassador largely dismiss the demand by the political parties to restore parliament because he thought the king viewed such an effort as "unconstitutional." For the king to lecture anyone, much less a U.S. ambassador, on legal niceties as he continues to trample Nepal's constitution should outrage all of you.

It is remarkable -- given that this administration has made democracy promotion a priority -- that we are still considering providing the king substantial lethal military support despite the fact that he has made himself into an absolute monarch. Some in the State Department and Department of Defense would argue that the Royal Nepalese Army is fully in compliance with Leahy requirements, although it may well be difficult to deliver such a verdict with a straight face. Given that the king is now effectively in control of the National Human Rights Commission, we should not accept that body's rubber stamp as a credible commitment by Nepal's military to respect human rights. Abuses in the field continue to be committed by both the RNA and the Maoists with impunity.

The question is simple: Why should American taxpayers underwrite military assistance to a government that has effectively abolished democracy and whose counter-insurgency strategy appears to be making the conflict worse, not better?

The United States needs to take a far tougher line with the king than it has to date, and while the administration often says the rights things, it has not taken any concrete measures to signal its displeasure with the royal government. Unless we start to implement a far more sensible policy approach, we will only pour gasoline on this conflict and make the potential for a Maoist victory more likely. Nobody wants Nepal to collapse under a Maoist onslaught, and the king has done everything he can to paint himself as the last bastion of defense against the Maoists. But the fact of the matter is that the royal government continues to pick all the wrong fights, and soldiers should be deployed against insurgents rather than repeatedly arresting peaceful democratic leaders in Kathmandu. Concerted action by India the United States, the United Kingdom and the United Nations could turn around the situation and reduce the dangers of the Maoists making further gains.

Not a dollar of U.S. or Indian military assistance should go to Nepal until the king is no longer an absolute monarch, a semblance of functioning democracy has been restored and the National Human Rights Commission has been firmly established as a truly independent body.

Thank you very much.
